

5/007/037



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office
125 South 600 West
Price, Utah 84501

3809
UTU-78772
(UT-070)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
Certification No. 7001 0360 0002 15711 4164

JUN 20 2003

DECISION

Operator: Quality Building Stone
8809 South 700 West
Sandy, Utah 84070

: Notice: UTU-78772
: Project Name: Wilford #2
:
:

Notice Expired
Plan of Operations Required

Weston Hansen
Quality Building Stone, Inc.
8809 South 700 West
Sandy, Utah 84070

RECEIVED

JUN 23 2003

DIV. OF OIL, GAS & MINING

Dear Mr. Hansen:

We have reviewed your "Notice" filed on June 9, 2003, requesting to restart rock quarrying at the Wilford #2 placer claim. This "Notice" would have been considered incomplete even under the old regulations. I include the section under:

Proposed Activities

Describe all proposed activities, including all surface-disturbing activities (road construction, drilling, trenching, backhoe or **bulldozer exploration**, mining, **waste disposal, etc.**) List all mechanized earthmoving equipment you intend to use during the operation and state if you will use explosives. **Describe and furnish a map or sketch showing the locations and size of areas where you intend to disturb the surface. You must include existing and/or proposed routes of access.** Calculate the total acreage proposed for disturbance (1 acre=43,560 square feet).

Notice UTU-78772 was originally filed with this office on July 25, 2000. The Surface Management Regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the Bureau of Land Management (BLM) in writing on or before the expiration date of January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503.

Your notice, UTU-78772, expired on January 20, 2003, since we did not receive written notification that you wished to extend your notice in accordance with 43 CFR 3809.333. **The Price Field Office Manager gives no authorization for further surface-disturbing operations without site-specific written approval.** We understand that you would like to resume mining operations at this site. In order to do that, you **should have submitted a plan of operations pursuant to 43 CFR 3809.401 within 30 days of our decision received in your office before April 14, 2003.** Your representative Trish Jensen did not fill out the postal form, but

merely signed it. We received the return receipt in this office on April 14. The performance standards outlined in 43 CFR 3809.420 and the financial guarantee requirements outlined in 43 CFR 3809.500, et seq., applies to this plan of operations.

In addition, a preliminary opinion has determined that the material being mined at this site may be common variety. If you chose to submit a plan of operations, then, in accordance with 43 CFR 3809.101(b)(3), an escrow account must be established in order to remove material until a final determination is made through a validity examination on the subject mining claims. Otherwise, the material may be purchased under a mineral materials sales contract.

The new plan of operations must be approved and a financial guarantee accepted prior to any additional earth-disturbing activities occurring at this site. We will also need a mine plan with a detailed map before we can consider it administratively complete. This map must show the entire acreage that will be disturbed. The plan must show the length and width of your proposed spur road. Any cut and fill in the mining area and the road must be shown separately.

After you have delineated the area of disturbance, threatened and endangered plant surveys and archeological clearances will be required. The archeological report that you have already had completed should suffice for this purpose.

After we have received your response, a joint visit to the site will need to be scheduled.

Since this is considered a saleable mineral, you may only conduct casual use prospecting activities on the site. If you proceed with any other activities, you will be considered in trespass. This material would normally be made available on a negotiated mineral material sale, but, in this case, because of its location, we would not enter into a sales contract without a lengthy environmental review for the following reasons:

If the newly submitted plan of operations is not approved because it is incomplete or you do not timely post the appropriate financial guarantee as requested for the plan of operations or establish an escrow account, you must begin reclamation within 30 days of BLM's decision finding that the new plan of operations, financial guarantee or escrow account is incomplete or unacceptable.

Your reclamation obligation continues beyond the expiration of your notice until such time as BLM determines that reclamation is satisfactorily completed. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 43 CFR 3809.701. If you wish to meet and discuss this letter, please contact Dean Nyffeler of my staff at 435-636-3615.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact Utah BLM State Office to determine when BLM receives the request for State Director review. You have 30 days from the end of the 21-day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Price Field Office, 125 South 600 West, Price, Utah 84501) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

We look forward to submission of a plan of operations with your responses to the above questions. If you have any questions please contact Dean Nyffeler of my staff at 435 636 3615.

Sincerely,

FOR **/S/ MARK A. MACKIEWICZ**
Patrick J. Gubbins
Field Manager

cc: **Wayne Hedberg, DOGM (S/007/037)**
Division of Oil Gas and Mining
Box 145801
1594 West North Temple, Suite 1210
Salt Lake City, Utah 145801 w/copy of Notice

UT-070-3809-2
(January 1999)

(For BLM Use) Serial No. _____

Notice

or

Plan of Operations

(For Operations Proposed Under the 43CFR3809 Regulations)

Instructions: Circle "Notice"(above)if the proposed mining activity with the project area will disturb a total of five (5) acres or less during the calendar year. This includes any off road access to the claims.

Circle "Plan of Operations" if disturbance will exceed five acres during the calendar year or if operations are within any of the specially designated areas described in 43CFR 3809.1-4(b). Complete the form in as much detail as possible. Attach additional sheets as needed. Maps and sketches are very helpful. Review the 43CFR3809 regulations before completing this form. CFRs are available in the CEU library and at all Federal Repository Libraries (BYU, U of U). On-line access to the latest changes can be found at <http://www.access.gpo.gov/cfr>.

Operator's Name
Quality Building Stone, Inc.

Address
*8809 South 700 West
Sandy, Utah 84070*

Telephone
(801) 255-2911

Claimant Name
(If different from the operator)

- Same -

Address

Telephone

Claim Names

Wilford #2

Claim Type (circle one) Lode, Placer Mill Site, Tunnel Site

BLM Claim Serial Number

UMC # 367364

Location of the Proposed Activity

Township *13S*, Range *9E*, Section *14*

Describe Any Existing Disturbances and Structures or Indicate on Maps or Sketches (Mine and Mill Facilities, Workings, Tailings, Dump Areas, etc. It may be to your advantage to document any existing conditions or disturbance with photographs. *Existing access road and*

quarry area - consisting of approximately 3 acres.

Proposed Period of Operations: From *March 1* To *November 30 (Annually)*

Proposed Activities Describe all proposed activities, including all surface disturbing activities (road construction, drilling, trenching, backhoe or bulldozer exploration, mining, waste disposal, etc.) List all mechanized earthmoving equipment to be you intend to use during the operation and state if you will use explosives. Describe and furnish a map or sketch showing the locations and size of areas where you intend to disturb the surface. You must include existing and/or proposed routes of access. Calculate the total acreage proposed for disturbance (1 acre=43,560 square feet). *Removal of*

loose sandstone boulders along hillside - some of which will be cut on site using plug and feather method.

RECEIVED
DOI - BLM
PRICE FIELD OFFICE
2003 JUN -9 PM 3:56

Equipment to be used in this operation consists of the following: 977 Traxcavator, compressor and air drill, diesel tractor and trailer, front end loader and bulldozer. Rock blocks will be cut, loaded and transported from the Quarry Site to a Processing Facility.

Proposed Reclamation Describe the measures that you will take to prevent unnecessary or undue degradation of the lands. Describe the reclamation procedures you will use to reclaim the land disturbed by your use. What measures will you take during extended periods of nonoperation to maintain the area in a safe and clean manner and to reclaim the land to avoid erosion and other adverse impacts?

Bank (if any) will be sloped and contoured as needed and if any areas ^{that} require seeding this also will be done.

I will complete all necessary reclamation of areas disturbed during my operations to the standards described in 43CFR3809.1-3(d) and reasonable measures to prevent unnecessary or undue degradation of the federal lands during operations.

Signature of Operator: John L. Powell Date 6-9-03
Agent for Quality Building Stone, Inc.

1. Submittal of a notice or approval of a plan of operations does not constitute certification of ownership to any person named as owner herein, nor does it constitute recognition of the validity of any mining claims named herein.

2. Generally, information that could be considered proprietary is not necessary to fulfill notice or plan of operations requirements. However, information and data submitted and specifically identified by the operator as containing trade secrets or confidential or privileged commercial or financial information should be attached to a separate page and cited in the text of the notice or plan of operations. This information will be filed separately and will not be available for public inspection.

3. Failure of an operator to file a notice or a plan of operations, as required by the 43CFR3809 regulations, will subject the operator to being served a notice of noncompliance or enjoined from the continuation of such operations by a court order until such time as a notice or plan is filed with the BLM.

4. The completed notice or plan of operations should be filed with the appropriate Field Office.

Price Field Office	Moab Field Office	Richfield Field Office	San Juan Field Office
125 South 600 West	82 East Dogwood	150 East 900 North	435 North Main Street
Price, Utah 84501	Moab, Utah 84535	Richfield, Utah 84701	Monticello, Utah 84535

5. A notice submitted in relation to the 43CFR3809 regulations does not require approval from the BLM. However, notification of such activities must be made at least 15 calendar days before commencing operations. Receipt of a notice will be acknowledged promptly along with warnings of any sensitive resources within the area to be disturbed.

Approval of a submitted plan of operations is required from the BLM prior to commencing operations. The BLM will promptly acknowledge receipt of a submitted plan and will notify the operator of the status of the plan within 30 days of receipt of the plan.